



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,639	12/20/2004	Nathalie Feyt	1032326-000288	4953
21839 7590 01/27/2011 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404				
EXAMINER				
STU, SARAH				
ART UNIT		PAPER NUMBER		
2431				
NOTIFICATION DATE		DELIVERY MODE		
01/27/2011		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com  
offserv@bipc.com

**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/518,639

**Applicant(s)**

FEYT ET AL.

**Examiner**

Sarah Su

**Art Unit**

2431

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 23 December 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-10 and 12-19

Claim(s) withdrawn from consideration: \_\_\_\_\_

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_

/William R. Korzuch/  
Supervisory Patent Examiner, Art Unit 2431

/Sarah Su/  
Examiner, Art Unit 2431

Continuation of 11. does NOT place the application in condition for allowance because: The examiner has found the applicant's arguments to be non-persuasive and the examiner maintains the grounds of rejection.

As to claim 1, it is argued by the applicant that the calculation steps A and B are separate in terms of time. It is noted that this feature is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Further as to claim 1, it is argued by the applicant that Hopkins does not disclose a method that includes storing calculated pairs of prime numbers or values in a memory of the secure electronic object, and then calculating a key  $d$  to be used by the secure electronic object. The examiner respectfully disagrees. It is noted that the phrase "used by the secure electronic object" has been interpreted by the examiner as any use of the key including the secure electronic object transferring the key. Hopkins discloses that the SMPG unit includes local secure memory storage space for implementing the key memory storage unit (0094, lines 13-15). Further, Hopkins discloses that the pre-computed and stored cryptographic parameters may subsequently be accessed from memory for use in an application that may be running on the same or a different system (0085, lines 5-11).

As to claim 1, it is argued by the applicant that Hopkins does not disclose "prior to the secure electronic object receiving a request to generate a private key, calculating pairs or prime numbers  $(p, q)$  or values representative of pairs of prime numbers, this calculation being independent of knowledge of a pair of values  $(e, l)$  in which  $e$  is the public exponent and  $l$  is the length of the key of the cryptography method." The examiner respectfully disagrees. Hopkins discloses that a plurality of randomly generated prime number values are generated and stored (0038, lines 6-8). Therefore, because these numbers are generated randomly, they have not been generated on a particular pair of values  $(e, l)$  as recited in the claim. It is noted that the randomly generated primes will subsequently have associated  $(e, l)$  values, but this does not necessarily mean that the primes were generated based on these values.

As to claim 1, it is argued by the applicant that Hopkins914 does not disclose the specific type of verification recited in the claim. The examiner respectfully disagrees. Hopkins discloses that the pre-computing of a plurality of randomly generated prime number values includes only verifying the primality of the prime numbers with each other (0040, lines 1-7). Hopkins further discloses that the searching for prime numbers is in response to a prime number request for a number having a specified length (0043, lines 11-15). The retrieved primes will therefore be related to a specified length, but still may be tested to satisfy the criteria as described in Hopkins914 (0052, lines 5-11; 0053, lines 4-6; 0061, lines 4-6).

With regards to the objections of claims 1, 12, and 19, the applicant has submitted claim amendments, and the examiner hereby withdraws the objections.

With regards to the rejection under 35 USC 101 of claims 1-10 and 16-18, the examiner has found the applicant's arguments to be non-persuasive, and the examiner maintains the grounds of rejection. It is noted that the claimed "secure electronic object" may be represented by software and therefore is not positively tied to a particular machine.